

REMARKS

This Amendment is in response to an Office Action dated July 5, 2002. In the Office Action, claims 1, 4-6, 8, 13, 16-18, 20, 21, 35 and 40-50 have been rejected under 35 U.S.C. §102(b) as being anticipated by Peterson et al. (WO 9318802), hereinafter referred to as “Peterson”. In addition, claims 3, 7, 19, 22, 23, 34 and 37-39 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Peterson in view of Voss. Applicant respectfully traverses the rejection.

In order to anticipate a claim under §102(b), Peterson must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant respectfully traverses the rejection because a *prima facie* case of anticipation has not been met. Each and every element set forth in independent claims 1, 13, 41 and 48 has not been identified by the Examiner and Applicant respectfully asserts that these limitations, in sum total, have not been described in Peterson. Applicant respectfully requests the Examiner to set forth support (page/column number, line number) for each element described in the independent claims 1, 13, 41 and 48.

With respect to independent claim 37 as well as claims 3, 7, 19, 22, 23, 34 and 38-39, Applicant respectfully traverse the rejection because the elements set forth in claim 37, which have allegedly been described by Peterson, have not been expressly identified and, in fact, are not described by Peterson as alleged above.

Reconsideration of the rejection is respectfully requested.



VERSION SHOWING MARKED CHANGES TO THE APPLICATION

IN THE CLAIMS

No changes have been made to the claims.

RECEIVED
JAN 15 2003
TECHNOLOGY CENTER R3700



CONCLUSION

In view of the foregoing, Applicants contend that the pending claims are in condition for allowance and respectfully request the Examiner to reconsider these claims. Allowance of these claims at Examiner's earliest convenience is respectfully solicited.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

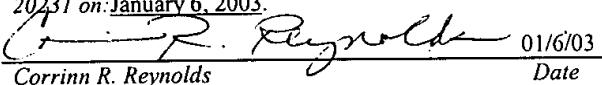


WILLIAM W. SCHAALE
Reg. No. 39,018

Dated: January 6, 2003

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025
(714) 557-3800

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail with sufficient postage in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C.
20231 on: January 6, 2003.



Corinn R. Reynolds 01/6/03
Date

RECEIVED
JAN 15 2003
TECHNOLOGY CENTER A370C